

# DESIGN AND CONSTRUCTION GUIDELINES AND STANDARDS

DIVISION 2 • EXISTING CONDITIONS

## 02 83 00 • LEAD PAINT ABATEMENT

### SECTION INCLUDES

02 03 01 Lead Paint Abatement  
02 03 02 Lead Contaminated Waste Disposal

### RELATED SECTIONS

01 74 19 Construction Waste Management & Disposal  
02 06 00 Building Demolition  
06 10 00 Rough Carpentry  
06 20 00 Finish Carpentry  
07 40 00 Siding  
08 11 00 Doors  
08 50 00 Windows  
09 90 00 Painting

### TECHNICAL STANDARDS

The state deleading regulations apply to buildings built before 1978 that have children under the age of 6 living in the units. Therefore, lead paint abatement is only a concern when working on buildings built after 1978.

If the majority of the project work is deleading, then the project should be bid with General Bidders being DCAM certified in Deleading. This eliminates the need for Deleading subcontractor and thus makes construction administration easier.

### PROJECT GOALS:

Lead paint hazards are a concern to the designer for a variety of reasons, including:

*Childhood Lead Poisoning Prevention Program (CLPPP)*  
*454 CMR 22.00. Web Site [www.state.ma.us/DPH/CLPPP](http://www.state.ma.us/DPH/CLPPP)*  
*OSHA regulations*  
*Board of Health regulations*

A typical project goal for DHCD projects is obtaining:

**Letters of Deleading Compliance** for all residential units within the project scope.

Units tested that have no lead violations may receive **Letters of Initial Lead Inspection Compliance**.

Some projects may only require **Letters of Interim Control** until all exterior work is completed. **Letters of Interim Control** are good for one year, but may be renewed for one more year

**Letters of Reoccupancy** (for units only) are issued when all interior deleading work has been completed. .

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The owner must fully delead the units and get **Letters of Full Deleading Compliance** for deleading interior and exterior work by the end of the second year if a child under 6 still lives in the unit.

Changing regulations are a fact of life with regulated construction activities such as lead paint. Finding cost effective solutions that comply with the regulations and minimize health and environmental risks is a general project goal when lead paint is involved. Our preferred methodology is removal and disposal of lead painted components, whether interior or exterior components. For budgetary reasons this is not always possible though.

On going compliance is an issue after *Letters of Full Deleading Compliance* have been received. Items that have been made intact such as exterior trim may start to peel over time and fall out of compliance requiring remediation. Also, care must be taken for renovations work in units which have *Letters of Full Deleading Compliance* must follow precautions required by CLPPP regulations.

**Post Compliance Assessment Determinations** may be required to obtain a **Letter of Maintained Compliance** or a **Letter of Restored Compliance** after additional renovation work has been completed.

### INVESTIGATION

Typically, the Designer retains the services of a lead paint consultant to test all units within the project scope for the presence of hazardous levels of lead paint. An initial test of 5 units is usually recommended to get a sample of the lead paint abatement issues at the site. It is a good idea to have the same lead paint consultant perform the initial testing of the units and perform the reoccupancy inspections after the construction is complete.

The Designer's job is to transform this raw information into a construction scope. The first step toward this goal is to establish an unambiguous understanding of the test reports and summary information, to determine the location and quantity of components needing lead paint abatement. The use of uniform building component terminology is a crucial part of this process. For example when a lead tester uses the term "door frame", there is a strong chance that the referenced component is actually the *casing*. Be clear. Communication with the initial tester is important to identify any uncertainty concerning the intent of the inspection reports.

The Designer should identify any additional testing required, such as the determination of the lead contaminated waste disposal requirements. Results should be included in the project manual. For most jobs, especially for those with repetitive conditions, it is not necessary to print all of the initial inspection reports in the project manual but a deleading schedule of all violations with a recommended action should be included in the specifications.

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### DESIGN

Once the location of the lead hazards has been determined, the design goal is the selection of appropriate abatement methods.

In general, the options are *removal*, *covering* or *restoration*. For example;

- Old, beat-up basement windows that are covered with lead paint are better removed, discarded and replaced with a new window.
- Lead paint on building trim or siding can be covered by new materials.
- An ornate entranceway can be abated through the removal of the paint, and repainting, essentially restoring the component.

Alternative approaches exist for each component; the Designer's task is to identify the approach that best balances budget, environmental risk, longevity and appearance. Some items such as door removal, exterior shutter removal and interior cabinet door removal may be considered low risk as defined by the Department of Public Health's Regulations which can be found at: [www.state.ma.us/dph/clppp](http://www.state.ma.us/dph/clppp). The Designer should review the lead paint consultant summary reports and quantify the items to be abated with their scope of work and construction budget.

An important step in the design of abatement projects is working with the regulatory agencies that have a say in the process which include CLPPP, Department of Occupational Safety (DOS) and the local Board of Health.

### WAIVERS

Depending on the type of work, waivers are often requested from some of the abatement regulations, if the work can be conducted with the suitable precautions to minimize health risks. One frequent waiver request is to allow tenant re-entry at the end of the work day, without the need for a 24 hour waiting period. This waiver is not automatic and must be obtained before construction begins. The DPH needs to know what the construction process will be. For example, we have found that the DPH looks favorably on using plastic sheet for containment to make a barrier on the inside of an occupied unit to remove the existing exterior window sashes from the outside must have this process pre-approved by DPH which is often approved. The mandatory number of wipe tests required for certification may also be waived, if the amount of interior abatement is minimal. Another regulatory interpretation is to define what aspects of the construction work can be done as "low risk" abatement.

Requirements for clean-up after abatement are defined by the applicable regulations. Nevertheless, the responsibility for clean-up must be well defined, especially when there are potential areas of pre-existing contamination outside of the abatement work area. Investigative work can help determine preexisting conditions. This can help the Designer make an informed decision about the extent of post abatement cleanup.

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### EXECUTION

Full time abatement monitoring is not required for lead paint abatement projects. Normal construction administration services, with the parallel services of the inspection company conducting the post abatement compliance inspections is usually adequate project oversight. The contractor and the lead consultant should coordinate the reinspections to allow residents to reoccupy their units as quickly as possible.

### WASTE DISPOSAL

Waste Disposal requirements should be outlined in the contract documents. The Contractor shall contact the regional EPA, state and local authorities to determine lead paint debris disposal requirements. The requirements of Resource Conservation and Recovery Act (RCRA) shall be complied with as well as applicable state solid waste plan requirements. During the actual abatement, the Contractor shall not leave debris on the property, incinerate debris, dump waste by the road or in an unauthorized dumpster, or introduce lead-contaminated water into storm or sanitary sewers.

The Contractor shall submit a written manifest to the LHA prior to removing any waste from the site and shall submit the completed manifest to the LHA after waste is disposed at the approved landfill. Waste shall be removed from the site in a timely manner.

Alternatives to hazardous waste disposal, including recycling or reclamation shall be permitted only with documentation assuring these processes are in compliance with applicable EPA and DEP regulations, and require the Authority's written approval.

The Contractor shall submit to the LHA for approval, a Waste Management Plan including the waste transfer procedure and route, and shall comply with all DEP and DOT regulations concerning hazardous and non-hazardous waste removal and transportation. If a waste sub-contractor is utilized for the disposal procedure, the Contractor shall submit for the LHA's approval, the sub-contractor's qualifications to perform the work as specified in the contract documents. The Contractor shall be responsible for all actions of any sub-contractor as pertaining to waste removal transport and disposal in the contractor documents. The Contractor must prove that the waste is disposed of properly.

Waste containers used by the Contractor shall comply with EPA and DOT regulations for containers. The Contractor shall contact state and local authorities to determine their criteria for containers, with such information presented to the LHA. The more stringent regulations shall apply.

If the Contractor is not a certified hazardous waste transporter, a contract shall be entered into with a certified transporter. The Contractor shall require the certified hazardous waste transporter to follow the RCRA and DOT regulations.

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The construction process often continues after the abatement work is done, with other trades becoming involved with the installation of the final architectural product. These sections of the specification should be alerted to the project intent and the presence of lead based paint, with the appropriate precautions identified. The contract documents should clearly make the contractor responsible for compliant work practices. For example, if a painter is scheduled to coat a previously leaded surface, it should be noted that no “dust generating” procedures are allowed. Also, cladding and siding must be installed in a manner consistent with all current abatement regulations, even though the work is not being done by licensed abatement contractors.

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